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Patent  
Attorney Docket No. 032469-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Sam T. Lindholm et al.

Application No.: 10/759,244

Filing Date: January 20, 2004

Title: OSTEOGENIC DEVICE AND A METHOD FOR PREPARING THE DEVICE

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No.: Unassigned

**FIRST  
INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a FIRST Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

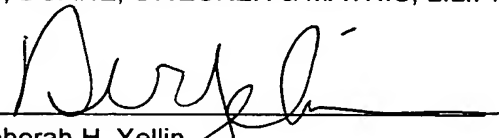
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

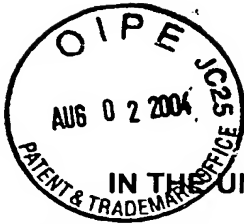
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By

  
Deborah H. Yellin  
Registration No. 45,904

Date: August 2, 2004



In re Patent Application of	)	
Sam T. Lindholm et al.	)	Group Art Unit: Unassigned
Application No.: 10/759,244	)	Examiner: Unassigned
Filed: January 20, 2004	)	Confirmation No.: Unassigned
For: OSTEOGENIC DEVICE AND A	)	
METHOD FOR PREPARING THE	)	
DEVICE	)	

**FIRST INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

The listed documents were previously made of record in prior Application Serial No. 09/125,963, filed November 24, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98, a copy of each of the listed documents, except those documents which were previously made of record in the prior application, is enclosed.

The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

I, the undersigned, hereby state that no item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement.

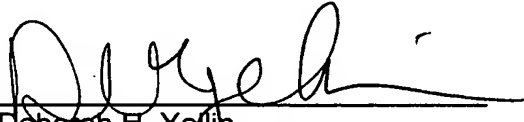
To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

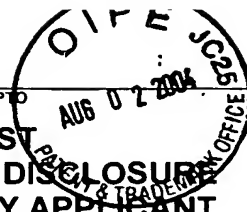
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**FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

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First Named Inventor	Sam T. Lindholm <i>et al.</i>
Examiner Name	
Attorney Docket Number	032469-007

Sheet 1 of 5

**U.S. PATENT DOCUMENTS**

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
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	WO 95/33830		PCT	12-14-1995		
	41 30 546		DE	03-18-1993		

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Examiner Signature	Date Considered
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Substitute for form 1449A/PTO & 1449B/PTO				<b>Complete if Known</b>	
<b>FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Application Number</b>	10/759,244
				<b>Filing Date</b>	January 20, 2004
				<b>First Named Inventor</b>	Sam T. Lindholm <i>et al.</i>
				<b>Examiner Name</b>	
<b>Sheet</b>	<b>3</b>	<b>of</b>	<b>5</b>	<b>Attorney Docket Number</b>	032469-007

NON-PATENT LITERATURE DOCUMENTS		
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*Substitute for form 1449A/PTO & 1449B/PTO  <b>FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/759,244	
			Filing Date	January 20, 2004	
			First Named Inventor	Sam T. Lindholm <i>et al.</i>	
			Examiner Name		
Sheet	5	of	5	Attorney Docket Number	032469-007

NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	SAMPATH, T. KUBER, <i>et al.</i> , "Bovine Osteogenic Protein Is Composed of Dimers of OP-1 and BMP-2A, Two Members of the Transforming Growth Factor- $\beta$ Superfamily," The Journal of Biological Chemistry (1990), pp. 13198-13205, vol. 265, No. 22, The American Society for Biochemistry and Molecular Biology, Inc.
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